

Frequently Asked Questions

Spill Prevention, Preparedness & Response Program

September 2012

Proposed Oil Spill Contingency Plan Rule Making (WAC 173-182)

Q: What does spill prevention, preparedness, and response mean?

A: These terms are used to separate different oil spill-related activities performed by the oil industry:

- Prevention refers to the activities that prevents oil and oil products from being spilled to the environment and includes training, technologies, equipment, alarms, and procedures.
- Preparedness refers to the activities companies take to be prepared to respond to a spill that occurs. These steps include strategically pre-staging equipment, having trained responders under contract, and developing and maintaining oil spill contingency plans that outline how industry will respond to spills, regardless of size.
- Response is the actual response to an oil spill such as stopping the flow, containing the oil and removing the spilled product from the environment.

Q: Why is Ecology proposing to update the state oil spill contingency plan rule?

A: In 2011, a new Washington law required significant changes to the state's oil spill preparedness regulation. The law was designed to improve preparedness in Washington waters for major oil spills. It specifically directed Ecology to implement best achievable protection in contingency plans for tank vessels. In addition, the law required investments in air-based oil spill locating and tracking capability, oil spill response systems based aboard vessels of opportunity (such as fishing vessels), and the establishment of a process to manage volunteers during spills responses.

Q: What is Ecology proposing to update the state oil spill contingency plan rule?

A: The rule-making proposes to:

- Update state oil spill preparedness planning standards to incorporate best achievable protection, including incorporating best achievable technologies, equipment and training.

MORE INFORMATION

Presentation and Q&A followed by Public Hearings

Sept. 25, 2012, 6pm

Holiday Inn Express Marysville
Skykomish Room
8606 – 36th Ave NE
Marysville, WA 98270
WEBINAR available at this location ONLY.

Sept. 27, 2012, 3pm

City of Vancouver
Marshall Community Center
Elm Room
1009 E McLoughlin Blvd.
Vancouver, WA 99301

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Special accommodations

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Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

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- Improve the State's vessels of opportunity system for oil spill response.
- Establish a volunteer management system.
- Require joint large-scale spill response equipment deployment drills from tank vessels.
- Improve the state required notification process to include spill threats as well as actual spills.
- Change contingency plan requirements for nonprofit "umbrella" oil spill response organizations.
- Update rule definitions.
- Make other changes related to oil spill contingency plans and Ecology's contingency plan review and approval process.

Q: What does best achievable protection and best achievable technology mean?

A: The goal of updating the oil spill contingency plan standards is to incorporate best achievable protection. This includes staff training levels, operational methods and best achievable technology to ensure Washington has an oil spill response system that can operate safely at night, and during the inclement weather conditions such as rain, fog, waves and high currents we often experience in Washington.

Q: How does the proposed updated rule bring about best achievable protection?

A: The proposed rule amendments would require response system improvements through a combination of best achievable technology and best achievable protection. The equipment, training, and planning elements proposed in these rule amendments would require the pairing of the right equipment with well-trained personnel. This combination is essential in delivering a rapid, aggressive and well-coordinated response to large spills. The proposed rule requires investment in:

- New air-based oil spill locating and tracking capability.
- A new four-hour planning standard for oil spill recovery equipment.
- Better oil-spill response personnel training through new drill requirements.
- Better vessel of opportunity program, with pre-contracted trained crews.
- Verification of individual oil spill contingency plan holder's response capability represents best achievable protection through the use of a technical manual.
- Better shoreline clean-up equipment standards.
- Better planning standard for dedicated on-water storage.

Q: What are the four-hour planning standards and how do they improve oil spill preparedness?

A: The four-hour planning standard is new. Planning standards drive the locations where oil spill equipment (boom, recovery, storage) is pre-staged. Time-distance equations are used to determine compliance with planning standards.

Environmental conditions and the inherent properties of oil cause oil to spread rapidly on the water. Equipment that improves the ability to corral, concentrate, and store oil results in higher recovery rates.

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This standard requires equipment that can effectively corral oil at higher speeds than conventional boom used for enhancing oil recovery.

The proposed four-hour standard requires equipment to contain, control, store and separate oil deployed in advance of a skimmer arriving on scene. This is a capability not typically found in oil spill containment boom alone. The existing regulations have boom standards but they don't require this capability. This standard requires equipment that is maneuverable, and capable of encountering oil at higher speeds and currents. The four-hour standard is an enhancement to five existing planning standard areas:

- San Juan County Planning Standard
- Commencement Bay/Quartermaster Harbor Planning Standard
- Neah Bay Staging Area
- Grays Harbor Planning Standard
- Cathlamet Staging Area

For the Neah Bay Planning Standard Area the equipment must be staged in Neah Bay. For the other areas the equipment can be staged so that it can be mobilized to the standard area to meet the four-hour benchmark. Because of the ability to cascade equipment, these five area standards have an additional benefit of enhancing recovery capability throughout Washington waters.

Associating storage with this equipment will result in a more efficient system in the early hours. Oil-water separation capability should maximize the concentration of the oil while minimizing the water recovered with the oil. We also considered that spills in Washington often result in shoreline impacts within a few hours of a release. Containing oil to prevent its spreading is a high priority in response. This early capability should reduce shoreline impacts and minimize damages to sensitive habitat and species. This will lead to less waste water to treat and reduced disposal costs.

Q: What are the new aerial surveillance planning standards and how do they improve oil spill preparedness?

A: The existing aerial surveillance (air-based oil spill locating and tracking capability) standard was initially drafted to match proposed draft USCG regulations, which went into effect in February 2011. The existing standards require plan holders to list aerial resources that could arrive on scene within six hours. Under the existing standards, these resources should be capable of responding for three ten-hour periods during the initial 72 hours to support oil spill response. The existing standard does not require assets to be under contract or capable at night.

Under the proposed rule the existing standard will only apply to facilities. The proposed rule will apply a new aerial surveillance planning standard to covered vessels. This proposed standard describes the operational aerial surveillance asset and capability that must be available to the plan holder under contract. In addition, the standard describes the aerial surveillance planning support capability plan holders must have. This is described as the best achievable technology aerial asset. The new aerial surveillance standard represents best achievable protection because it describes training for aerial observers, operational capabilities for the use of the aerial assets, and it requires Forward Looking

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Infrared (FLIR) which is a proven technology for being able to visually identify oil on the water at night and during inclement weather conditions.

Q: What will the vessel of opportunity system include?

A: A vessel of opportunity program means involving and training local commercial and recreational vessel operators that are not professional responders, and incorporating them into Washington's oil spill response system. During a major oil spill, the resources of existing dedicated spill response vessels will likely be overwhelmed and vessels of opportunity can help fill the gap.

The proposed rule improves the State's planning standards for non-dedicated vessels of opportunity. The proposed standards will apply to the contingency plans for covered vessels. The proposed vessel of opportunity planning standard establishes a vessel vetting database. The state will develop and maintain the database which will allow vessel owners to self-identify their interest in participating in the program and provide information about their vessel and crew capabilities. Under the draft rule update, vessels of opportunity may be used to:

- Enhance oil skimming operations.
- Deploy oil containment booms for protection strategies.
- Support other operations.

Q: What is a technical manual and how does it improve oil spill preparedness?

A: The development of a technical manual for Washington is a new initiative, although such manuals exist in other states such as Alaska and Massachusetts. Technical manuals are planning documents that describe the potential response capability of a plan holder. Technical manuals do not bind the use of any specific tactic during a drill or spill, or imply a guarantee of what will occur in a real spill event. The proposed rule requires covered vessel plan holders to describe the recovery and storage systems necessary to meet the planning standards through hour 48 in the Neah Bay, Cathlamet, and San Juan Islands planning standard areas.

The technical manual does not change how Ecology will evaluate the planning standards. Evaluating the technical manual provides Ecology with an opportunity to:

- Verify equipment is appropriate for the operating environment.
- Verify the use of BAP to influence operational methods and staffing levels.
- Verify the effectiveness of the response systems.
- Inform the BAP five-year review cycle and future rule updates.

Q: What is shoreline clean up?

A: Shoreline Clean up is the process of removing oil from impacted shorelines such as sandy beaches, rocky gravel, cobble, bulk heads, rip rap etc. A variety of techniques may be used to remove oil from shorelines. The clean up technique is chosen after careful consideration of the beach type. In some cases physical removal of the oil may cause more environmental damage than non-invasive natural recovery

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techniques. Based on the type of shoreline, occasionally, no clean up is the best option allowing for natural weathering.

Q: How does the rule enhance shoreline clean up capabilities?

A: The proposed rule clarifies the vessel shoreline cleanup standards to ensure response resources are readily available to perform shoreline cleanup, identifies supervisor to worker ratios to help keep shoreline cleanup workers working safely and effectively, and ensures shoreline cleanup workers are trained and have adequate equipment to remain safe.

The proposed standard applies to covered vessel plan holders only. It is our intention to apply this standard to facility plan holders in a future rule making.

Q: What else has changed under the proposed updated rule?

A: Under the 2011 law, oil shipping companies (oil tanker and tank barge operations) and umbrella spill plan holders must conduct one large-scale multi-plan holder deployment drill every three years. These drills can include the following objectives:

- Demonstrations of dedicated and non-dedicated equipment, including vessels of opportunity.
- Multiple simultaneous tactics.
- Verification of operational readiness over multiple operation periods.
- Deployment of contracted aerial assets.
- Plan holders may combine this with other drills and across multiple plans.

The multi-plan holder drill is not an additional equipment deployment drill required by the plan. Rather, it takes the place of one of the six deployment drills required in a triennial cycle.

Q: How much will the new rule cost?

A: The Cost-Benefit Analysis (CBA) estimates the likely costs and benefits of the proposed rule amendments, as compared to the regulatory framework if the rule is not amended (the baseline). For the contingency plan rule CBA the baseline was our existing rule and the USCG regulations.

Ecology estimated the likely costs of the proposed rule amendments to be between \$6,787,267 and \$10,931,754. This figure represents the total costs of implementation. It assumes where appropriate that plan holders share resources and work together to come into compliance. These costs are born mostly in drills and training. Investing in new equipment is required by this drill but the true costs of the rule over time are due to the additional vessel of opportunity requirements (training and drills) and the large scale multi-plan holder deployment drills.

The costs of implementing the current approved rule are not included in the present year cost of the CBA developed for the rule amendment. The CBA for the previous rule estimated the costs of annual compliance at approximately 7 million dollars per year.

In the CBA, Ecology concludes that the likely benefits of the rule exceed its likely costs.

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The proposed rule amendments incorporate some cost-reducing features, while providing the minimum requirements to improve response to a “worst case spill” as required by law. This includes use of a single plan to meet both the federal and state contingency planning requirements, and allows plan holders to reference the information, tools, and policies found in the Northwest Area Contingency Plan (NWACP) and other developed spill tools.